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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of :

Kenichi ARAI et al. :

Patent No. 6,897,054 :

**Attn: Certificate of
Correction Branch**

Issued May 24, 2005 :

HUMAN H37 PROTEIN AND cDNA ENCODING
THE PROTEIN

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of \$100.00 to cover Patent Office fees relating to filing the following attached papers:

Certificate of Correction \$100.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Kenichi ARAI et al.

By Warren M. Cheek, Jr.

Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Patentee

*Certificate
DEC 13 2006
of Correction*

WMC/dlk
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
December 8, 2006

[Check No. 77681]
2001_0531A

DEC 14 2006



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In re patent of

Kenichi ARAI et al.

Patent No. 6,897,054

Issued May 24, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of

: Attn: Certificate of
Correction Branch

Kenichi ARAI et al.

:

Patent No. 6,897,054

: Atty Docket 2001_0531A

Issued May 24, 2005

:

HUMAN H37 PROTEIN AND cDNA
ENCODING THE PROTEIN

Confirmation No. 1900

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 1.323

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 CFR 1.323, it is respectfully requested that a Certificate of Correction issue to correct the following:

Page 1, Section (54), please change "CDNA" to -- cDNA --.

Page 1, Section (73) please change "Kawaguchi" to -- Saitama --.

Page 1, Section (73), after "(JP)" please insert the following additional Assignee information: -- Kenichi Arai, Tokyo (JP) and Hisao Masai, Tokyo (JP) --.

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REMARKS

The foregoing amendments correct printing and attorney errors.

Please refer to the original Declaration for the correct spelling of the title.

Please refer to the Issue Fee Transmittal Form for the correct city of the first Assignee.

Please refer to the PTO Decision on petition dated December 5, 2006, for authorization to add Kenichi Arai and Hisao Masai as additional Assignees.

The PTO fee of \$100.00 is enclosed. Accordingly, a Certificate of Correction is respectfully requested and form PTO-1050 accompanies this request.

Respectfully submitted,

Kenichi ARAI et al.

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Patentee

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Telephone (202) 721-8200
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December 8, 2006

To: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO : 6,897,054

DATED : May 24, 2005

INVENTOR(S) : Kenichi ARAI et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Page 1, Section (54), please change "CDNA" to -- cDNA --.

Page 1, Section (73) please change "Kawaguchi" to -- Saitama --.

Page 1, Section (73), after "(JP)" please insert the following additional Assignee information: -- Kenichi Arai, Tokyo (JP) and Hisao Masai, Tokyo (JP) --.

Wenderoth, Lind & Ponack, L.L.P.
2033 K Street, N. W., Suite 800
Washington, D.C. 20006-1021

PATENT NO. 6,897,054

No. of additional copies

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OFFICE OF PETITIONS

WENDEROTH, LIND & PONACK
2033 K STREET N.W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of :
Kenichi Aarai et al :
Application No. 09/830,647 : DECISION DISMISSING PETITION
Filed:July 30, 2001 : UNDER 37 CFR 3.81(b)
Attorney Docket No. 2001-0531A :
:

This is a decision on the petition, filed August 29, 2005, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is dismissed.

Petitioner states that the correct assignee's name is Japan Science and Technology Agency; Kenichi Arai and Hisao Masai, and that the correct assignee's name was unintentionally not included on Fee Transmittal Form PTOL-85(b) at the time of payment of the issue fee.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The instant request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by

¹ See Official Gazette of June 22, 2004

DEC 14 2006

3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to **Japan Science and Technology Agency; Kenichi Arai and Hisao Masai** has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that the above assignees were the assignees of record at the time of issuance of the instant application into a patent. Note also 35 U.S.C. § 152.

In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth Japan Science and Technology Agency; Kenichi Arai and Hisao Masai., as the assignees. No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in the instant request. A copy of this decision must accompany the request for a Certificate of Correction.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in the instant request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3208. After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.



Karen Creasy
Petitions Examiner
Office of Petitions